RESOLUTION NUMBER R- 312797

DATE OF FINAL PASSAGE DEČ 19 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN JONATHAN AND KATHY HEAD AND THE CITY OF SAN DIEGO.

WHEREAS, on April 25, 2019, Jonathan and Kathy Head filed a complaint against the City of San Diego (City) for property damage arising from an incident that occurred on October 4, 2018. Plaintiffs brought suit in the Superior Court for the County of San Diego. The suit is entitled *Jonathan and Kathy Head v. City of San Diego, et al.*, Superior Court Case No. 37-2019-00021593-CU-EI-CTL [Litigation]; and

WHEREAS, in Closed Session on October 29, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None, and absent, Districts None/All Present, approved settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

- 1. A resolution authorizing the Mayor or his designee to pay the sum of \$150,000.00 from Water Fund No. 700011, in settlement of each and every claim for damages, interest, costs, and fees of any type including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim filed by Jonathan and Kathy Head.
- 2. Authorizes the Chief Financial Officer to appropriate \$150,000.00 from Water Fund No. 700011, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizes the Comptroller to iss	ue a check in the amount of \$150,000.00, made
payable to Law Office of Evan W. Walker.	
APPROVED: MARA W. ELLIOTT, City Attorn	ney
By Lucy A. Manfre Deputy City Attorney	
LAM: jj November 21, 2019 Or.Dept: City Attorney CC No. 3000012776 Doc. No.: 2231567	
I certify that the foregoing Resolution was passe meeting of DEC 17 2019	d by the Council of the City of San Diego, at this
	ELIZABETH S. MALAND City Clerk
	By Pruce Deputy City Clerk
Approved: 12/19/19 (date)	KEVIN L. FAULCONER, Mayor
Vetoed:(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted. Amount: \$150,000.00 Fund: 700011 Purpose: Settlement of Jonathan and Kathy Head v. COSD, it al., San Diego Superior Court Case No. 37-2019-00021593-CU-EI-CTL. Claim No. 20 Date: November 26, 2019 By: Jessica Tran COMPTROLLER'S DEPARTMENT ACCOUNTING DATA Doc. Item Fund Funded Program Internal Order Functional Area G/L Account Area Cost Center WBS Original Amount			•	0	OF UNALLOT	ILD DALA		ORIGINATING	CC DEPT. ND.;	3000012776 2000
Purpose: Settlement of Jonathan and Kelhy Head y, COSD, it al., San Diago Superior Court Case No. 37-2019-00021593-CU-EI-CTL. Claim No. 20 Purpose: November 26, 2019 Business Conference WBS Original Amount 01 700011 Funded Program Internal Order Functional Area G/I. Account Area Cost Center WBS Original Amount 01 700011 FUND CVERADE CERTIFICATION OF UNENCUMBERED BALANCE I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached seculation, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the contract of the City of San Diego; and I do hereby further certify, in conformity with the contract or agreement authorized by the hereto attached to c							pose set forth in th	ne foregoing re		
Purpose: Settlement of Jonathan and Kathy Head v. COSD, it al., San Diego Superior Court Case No. 37-2019-00021593-CU-EI-CTL. Claim No. 20 Doc. Fund Funded Program Internal Order Functional Area Of Account Area Cost Center WBS Original Amount 01 700011	lmount:	**********		\$150,000.00			Fund	d:	7000	11
Comparison of the property of the property of the property of the provisions of said contract are actually in the Treasury, to get me with the money ticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. Comparison of the property of th	'urpose:	Settlement of Jo	nathan and Kath	y Head v. COSD, it af	., San Diego S	Superior Co				Claim No. 205
TOTAL AMOUNT \$150,000.00 I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached solution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in informity with the requirements of the Charter of the City of San Diego; that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. By: Jessica Tran COMPTROLIERS DEPARTMENT ACCOUNTING DATA Business	eate:		Nov	rember 26, 2019			By: Jessica		ER'S DEPAR	TMENT
TOTAL AMOUNT \$150,000.00 CERTIFICATION OF UNENCUMBERED BALANCE	200	T	1	^	ACCOUNTING DATA					
CERTIFICATION OF UNENCUMBERED BALANCE I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached solution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in onformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said ontract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to e credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the money niticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. In the Exceed: Provided Provide	item Fund	Funded Program	Internal Order	Functional Area		Area		WBS	C	\$150,000.00
CERTIFICATION OF UNENCUMBERED BALANCE I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached solution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in informity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to eccedit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the money nicipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. In the Exceed: In the Treasury, to the credit of said appropriation, are otherwise unencumbered. By: Jessica Tran COMPTROLLER'S DEPARTMENT ACCOUNTING DATA Business					ļ					•
I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached solution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in informity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said notract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to careful of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the money ticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. It to Exceed: Indoor: Indoor: By: Jessica Tran COMPTROLLERS DEPARTMENT ACCOUNTING DATA Business			i		L			TOTAL AMO	DUNT	\$150,000.00
te: By: Jessica Tran COMPTROLLER'S DEPARTMENT ACCOUNTING DATA oc. Business	solution, can nformity with ntract, that so	be incurred withouthed the requirements of the control of the cont	out the violation s of the Charter to meet the oblig	s and obligation to be of any of the provision of the City of San Digations of said contr	ne incurred by ons of the Ch iego, that suff act are actua	the contr narter of th ficlent moi lly in the T	act or agreement a se City of San Diego neys have been ap reasury, or are ant	o; and I do here propriated for t icipated to con	eby furthe the purpo ne into th	er certify, in se of said e Treasury, to
By: Jessica Tran COMPTROLLER'S DEPARTMENT ACCOUNTING DATA DC. Business	solution, can informity with intract, that so a credit of the ticipated to c t to Exceed:	be incurred withouther requirements of the req	out the violation s of the Charter to meet the oblig om which the sa	s and obligation to be of any of the provision of the City of San Digations of said contrant on the drawn,	pe incurred by ons of the Ch iego, that suff act are actua , and that the	the contracter of the fictent months in the Taskin said money	ract or agreement a ne City of San Diego neys have been ap Freasury, or are ant ey now actually in the	o; and I do here propriated for t icipated to con	eby furthe the purpo ne into th	er certify, in se of said e Treasury, to
oc. Business	edution, can informity with intract, that se e credit of the ticipated to c t to Exceed: indor:	be incurred withouther requirements of the req	out the violation s of the Charter to meet the oblig om which the sa	s and obligation to be of any of the provision of the City of San Digations of said contrant on the drawn,	pe incurred by ons of the Ch iego, that suff act are actua , and that the	the contracter of the fictent months in the Taskin said money	ract or agreement a ne City of San Diego neys have been ap Freasury, or are ant ey now actually in the	o; and I do here propriated for t icipated to con	eby furthe the purpo ne into th	er certify, in se of said e Treasury, to
Tailed Funder Frogram Internal Order Fundamental Order Cost Center Wiss Original Amount	solution, can nformity with ntract, that se e credit of the ticipated to co t to Exceed: ndor:	be incurred withouther requirements of the req	out the violation s of the Charter to meet the oblig om which the sa	s and obligation to be of any of the provision of the City of San Digations of said contract me are to be drawn dit of said appropria	pe incurred by ons of the Ch iego, that suff ract are actua , and that the tilon, are othe	the contracter of the fictent months in the Taskin said money	ract or agreement a ne City of San Diego neys have been app Treasury, or are anti ey now actually in the encumbered.	propriated for the propriated for the control of the propriated for the propriated for the propriate f	eby further the purpo ne into the pagether w	er certify, in se of said e Treasury, to ith the money
	solution, can informity with intract, that si is credit of the ticipated to c t to Exceed: indor: irpose:	be incurred withouthe requirements of the requirements of the components of the comp	out the violation s of the Charter to meet the oblig om which the sa asury, to the cre	s and obligation to be of any of the provision of the City of San Digations of said contract me are to be drawn, dit of said appropriate.	ce incurred by ons of the Chiego, that suffract are actua, and that the tilon, are other	y the contr narter of th ficient mon illy in the 1 said mon- erwise une	act or agreement a se City of San Diego neys have been ap Freasury, or are ant ey now actually in the encumbered.	Tran	eby further the purpo ne into the purpo ne into the pogether w	er certify, in se of said e Treasury, to ith the money
	edution, can informity with intract, that se is credit of the ticipated to c it to Exceed: indor: impose:	be incurred withouthe requirements of the requirements of the components of the comp	out the violation s of the Charter to meet the oblig om which the sa asury, to the cre	s and obligation to be of any of the provision of the City of San Digations of said contract me are to be drawn, dit of said appropriate.	ce incurred by ons of the Chiego, that suffract are actua, and that the tilon, are other	y the contr narter of th ficient mon illy in the 1 said mon- erwise une	act or agreement a se City of San Diego neys have been ap Freasury, or are ant ey now actually in the encumbered.	Tran	eby further the purpo ne into the purpo ne into the pogether w	er certify, in se of said e Treasury, to ith the money
	solution, can informity with intract, that si is credit of the ticipated to c t to Exceed: indor: irpose:	be incurred withouthe requirements of the requirements of the components of the comp	out the violation s of the Charter to meet the oblig om which the sa asury, to the cre	s and obligation to be of any of the provision of the City of San Digations of said contract me are to be drawn, dit of said appropriate.	ce incurred by ons of the Chiego, that suffract are actua, and that the tilon, are other	y the contr narter of th ficient mon illy in the 1 said mon- erwise une	act or agreement a se City of San Diego neys have been ap Freasury, or are ant ey now actually in the encumbered.	Tran	eby further the purpo ne into the purpo ne into the pogether w	er certify, in se of said e Treasury, to ith the money
TOTAL AMOUNT	solution, can informity with intract, that si is credit of the ticipated to c t to Exceed: indor: irpose: te:	be incurred withouthe requirements of the requirements of the components of the comp	out the violation s of the Charter to meet the oblig om which the sa asury, to the cre	s and obligation to be of any of the provision of the City of San Digations of said contract me are to be drawn, dit of said appropriate.	ce incurred by ons of the Chiego, that suffract are actua, and that the tilon, are other	y the contr narter of th ficient mon illy in the 1 said mon- erwise une	act or agreement a se City of San Diego neys have been ap Freasury, or are ant ey now actually in the encumbered.	Tran	eby further the purpo ne into the purpo ne into the pogether w	er certify, in se of said e Treasury, to ith the money

Passed by the Council of The Ci	ty of San Dieg	o on DI	EC 17 2019	by the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	\square	П	Π .	П
Jennifer Campbell			П	П
Chris Ward	Ź	П	П	П
Monica Montgomery	Ī	П	П	П
Mark Kersey	$\overline{\gamma}$			
Chris Cate	Ź			
Scott Sherman	$\overline{\mathbb{Z}}$			
Vivian Moreno	Z			
Georgette Gómez	Z	,		
Please note: When a resolut		ed to the Offi	ce of the City Cle	erk.) JLCONER
AUTHENTICATED BY:		Mayo	or of The City of S	an Diego, California.
(Seal)		City Cl		San Diego, California.
		Ву	Sty Chine	, Deputy
		Office of the	e City Clerk, San D	riego, California
	Resc	olution Numb	er R 3 1	L2 7 97